IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.7093 of 2011

Date of Decision:27.05.2011

Mrs.Surjit Kaur **.....Petitioner**

Versus

State Information Commission and others **.....Respondents**

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

Present: Mr.Sameer Sachdeva, Advocate,
for the petitioner.

Mr.Palwinder Singh, Sr.Deputy Advocate General, Punjab,
for the respondents.

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MEHINDER SINGH SULLAR, J.(oral)

Learned counsel for the parties are *ad idem* that the controversy involved in the present writ petition, is squarely covered and deserves to be disposed of in the same terms of the judgment dated 04.02.2011 of this Court, rendered in Civil Writ Petition No.2167 of 2011, titled as **Jagjit Singh Versus State Information Commission, Punjab and others**, the operative part of which is, as under:-

> *"12. Meaning thereby, the SIC has passed the adverse impugned order, imposing the penalty of ₹ 7000/- on the petitioner, without issuing any show cause notice and providing any opportunity of being heard after his retirement. Therefore, to me, the impugned order is not only contrary to the statutory provisions, but against the principles of natural justice as well. In this manner, the same cannot legally be sustained on this ground alone in the obtaining circumstances of the case.*
>
> *13. In the light of aforesaid reasons, and without commenting further anything on merits lest it may prejudice the case of either side during the course of subsequent hearing, the writ petitions are accepted, the impugned order Annexure P-5 is set aside. The matter*

> *is remanded back to the SIC for its fresh decision in the light of aforesaid observations, after issuing show cause notice and providing an opportunity of being heard to the parties and in accordance with law".*

In this view of the matter and after hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, the instant writ petition is accepted. Consequently, the impugned orders are hereby set aside. The matter is remitted back to the State Information Commission, Punjab, for its fresh decision, in the light of aforesaid observations and in accordance with law.

The parties through their counsel are directed to appear before the State Information Commission, Punjab, on 25.07.2011, for further proceedings.

May 27, 2011 (**M**EHINDER **S**INGH **S**ULLAR)
seema JUDGE